

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TONY MORIN,)	
)	
Plaintiff,)	
)	Civil Action No. 11-249 Erie
v.)	
)	
MAJOR SMITH,)	
)	
Defendant.)	

MEMORANDUM ORDER

This action was received by the Clerk of Court on October 21, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 7], filed on January 6, 2012, recommended that the action be dismissed due to the Plaintiff's failure to prosecute this action. Plaintiff was allowed fourteen (14) days from the date of service to file objections and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 24th day of January, 2012;

IT IS HEREBY ORDERED that this action is DISMISSED due to the Plaintiff's failure to prosecute this action.

The Report and Recommendation [ECF No. 7] of Magistrate Judge Baxter, filed on January 6, 2012, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge